(2) on any such sale, any of the shareholders shall be at liberty to bid at the sale on such terms as to non-payment of the deposit, or as to setting off or accounting for the purchase money, or any part thereof, instead of paying the same as to the Court may seem reasonable.

(3) If two or more persons of whom one is a share-holder in the property, respectively advance the same sum at any bidding at such sale such bidding shall be deemed to be a bidding of the share-holder.

Procedure to be followed in case of sale.

8. Save as hereinbefore provided, when any property is directed to be sold under this Bill, the following procedure shall, as far as practicable, be adopted, namely:—If the property be sold under a decree or order of any Court, such procedure as the High Court may, from time to time, by rules, prescribe in this behalf, and until such rules are made, the procedure prescribed in the Code of Civil Procedure in respect of sales in execution of decree.

Orders for sale to be deemed decrees.

9. Any order for sale made by the Court under Clauses 3, 4 or 5 shall be deemed to be a decree within the meaning of Section 2 of the Code of Civil Procedure.

Saving of power to order partly partition and partly sale.

10. In any suit for partition, the Court may if it shall think fit make a decree for a partition of part of the property to which the suit relates, and a sale of the reminder under this Bill.

Applications of Bill to pending suits.

11. This Bill shall apply to suits instituted before the commencement thereof, in which no scheme for the partition of the property has been finally approved by the Court.

OBJECTS AND REASONS FOR THE BILL.

Partition suits generally comprise immovable as well as movable properties. In both sets of properties it so happens that some of the properties involved cannot be conveniently divided, and it would be more beneficial and advantageous to the parties that such properties are sold forthwith without waiting for the final decision of the case, or the subsequent execution of the decree. Even if a request for interim sale be made by some of the parties to prevent loss or deterioration before the final decision, Courts do not now possess sufficient definite powers by the existing Acts to grant such requests. Cases also happen in which the share of a dwelling-house belonging to an undivided family if transferred to a person, who is not a member of that family and whose joint enjoyment may not be agreeable to the other members of that family. Such cases also deserve special consideration. As it stands, in all such cases, parties have to invoke the inherent powers of Courts

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for reliefs and depend upon the discretion of Courts. Most of the abovesaid difficulties have been solved in British India by the passing of the Partition Act, IV of 1893. This Bill is a reproduction of that Act, excepting clause 2. In Act IV of 1893, the various terms included in the clause 2 were not defined. The absence of definitions gave rise to difficulties to Courts in interpreting the Act. The definitions included in Section 2 for the various terms, are the definitions as contained in the various decisions of the High Courts in British India. The Bill, if passed, may also help to prevent the fragmentation of agricultural holdings and deterioration of properties which could not be divided conveniently.

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